

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREAT BASIN RESOURCE WATCH; and
WESTERN SHOSHONE DEFENSE
PROJECT,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR; U.S. BUREAU OF LAND
MANAGEMENT; LAURA DANIEL
DAVIS, Acting Assistant Secretary¹; and
JON D. SHERVE, Field Manager of the
BLM's Mount Lewis Field Office,

Defendants,

EUREKA MOLY, LLC,

Defendant-Intervenor.

Case No. 3:19-cv-00661-LRH-CSD

**ORDER GRANTING UNOPPOSED
MOTION FOR EXTENSION OF THE
DEADLINE TO RESPOND TO ECF
NO. 78 AND FILE SEPARATE
RESPONSES**

Federal Defendants request a fourteen-day extension of Federal Defendants and Defendant-Intervenor's deadline to respond to Plaintiffs' filing of ECF No. 78 (Plaintiff's Notice of

Controlling and Supplemental Authority of the Ninth Circuit’s Ruling on the Mining Law and Surface Resources Act, hereinafter the “Notice”). Federal Defendants also request leave of the Court to file a response of up to ten pages separate from Defendant-Intervenor to accommodate the unique interests of the Defendant parties. This motion is unopposed.

On June 10, 2022, after the completion of scheduled briefing on the parties’ cross-motions for summary judgment, Plaintiffs filed their Notice informing the Court of the May 12, 2022, decision in *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 33 F.4th 1202 (9th Cir. 2022). Defendant-Intervenor moved to strike the Notice or, in the alternative, requested leave to respond. ECF No. 79. On June 21, 2022, this Court granted leave to Federal Defendants and Defendant-Intervenor to file a combined response not to exceed fifteen pages within thirty days of the Order. ECF No. 80. Meanwhile, Federal Defendants’ current deadline to file a petition for rehearing of *Center for Biological Diversity* in the Ninth Circuit is July 27, 2022.

Good cause exists to extend the deadline in this case until after the government’s deadline to file a petition for rehearing in *Center for Biological Diversity*; after the deadline, Federal Defendants will be able to inform the Court and the parties of the government’s decision on seeking rehearing in *Center for Biological Diversity*. Federal Defendants therefore request a fourteen-day extension—until August 5, 2022—to respond to Plaintiffs’ notice of supplemental authority. Federal Defendants also request leave for Federal Defendants and Defendant-Intervenor to file separate, ten-page, responses given the unique interests of the government in this case and procedural posture in other cases.

ORDER

IT IS ORDERED that the unopposed motion to extend time to respond to the notice of supplemental authority (ECF No. 81) is GRANTED. Federal Defendants shall file a response to Plaintiff’s notice of controlling and supplemental authority and a response of up to ten pages separate from Defendant-Intervenor on or before Friday, August 5, 2022.

DATE: July 25, 2022.

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LARRY R. HICKS
United States District Judge